

# CIVIL CASES

---



## *Administrative Procedure*

FOR FILING, SIGNING, AND VERIFYING PLEADINGS  
AND DOCUMENTS BY ELECTRONIC MEANS  
IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING  
PLEADINGS AND DOCUMENTS BY ELECTRONIC MEANS  
IN CIVIL CASES**

**TABLE OF CONTENTS**

<b>I.</b>	<b>THE ELECTRONIC FILING SYSTEM .....</b>	<b>1</b>
A.	AUTHORIZATION FOR ELECTRONIC FILING .....	1
B.	DEFINITIONS AND INSTRUCTIONS .....	1
C.	TECHNICAL SPECIFICATIONS .....	2
D.	SYSTEM AVAILABILITY .....	2
E.	SELECTION OF CASES .....	3
F.	REGISTRATION .....	4
G.	LOGIN AND PASSWORD .....	5
<b>II.</b>	<b>ELECTRONIC FILING AND SERVICE OF DOCUMENTS .....</b>	<b>5</b>
A.	FILING. ....	5
B.	SERVICE. ....	8
C.	SIGNATURES .....	9
D.	FEES PAYABLE TO THE CLERK .....	10
E.	ORDERS. ....	10
F.	TITLE OF DOCKET ENTRIES .....	11
G.	CORRECTING DOCKET ENTRIES .....	11
H.	TECHNICAL FAILURES .....	12
I.	PRIVACY .....	12
<b>III.</b>	<b>CONVENTIONAL FILING OF DOCUMENTS .....</b>	<b>13</b>
A.	DOCUMENTS TO BE FILED UNDER SEAL .....	13
B.	PRO SE FILERS .....	13
C.	SOCIAL SECURITY CASES. ....	13
D.	SERVICE OF CONVENTIONAL OR 3.5" FLOPPY DISK FILINGS .....	14
E.	RETENTION OF ORIGINALS REQUIRING SCANNING .....	14
<b>IV.</b>	<b>EXHIBITS. ....</b>	<b>14</b>
A.	EVIDENCE NOT IN SUPPORT OF A MOTION .....	14
B.	EVIDENCE IN SUPPORT OF A MOTION .....	15

C.	TRIAL EXHIBITS .....	16
<b>V.</b>	<b>PUBLIC ACCESS TO THE SYSTEM DOCKET .....</b>	<b>16</b>
A.	PUBLIC ACCESS AT THE COURT .....	16
B.	INTERNET ACCESS .....	16
C.	CONVENTIONAL COPIES AND CERTIFIED COPIES .....	16

## **FORMS**

FORM A, ATTORNEY REGISTRATION FORM  
 FORM B, SAMPLE FORMAT - CERTIFICATE OF SERVICE  
 FORM C, SAMPLE FORMAT - DECLARATION OF TECHNICAL DIFFICULTIES  
 FORM D, SAMPLE FORMAT - NOTICE OF MANUAL FILING  
 FORM E, SAMPLE FORMAT - NOTICE REGARDING EXHIBIT ATTACHMENT  
 FORM F, SAMPLE FORMAT - NOTICE OF ENDORSEMENT

## **APPENDIX**

A. SETTING UP EMAIL NOTIFICATION

**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING  
PLEADINGS AND PAPERS BY ELECTRONIC MEANS  
IN CIVIL CASES**

**I. THE ELECTRONIC FILING SYSTEM**

**A. AUTHORIZATION FOR ELECTRONIC FILING**

Standing Order No. 29 authorizes electronic filing in conjunction with Federal Rule of Civil Procedure 5(e). Pursuant to Standing Order No. 29, the following procedures govern electronic filing in this district unless, due to extraordinary circumstances in a particular case, a judicial officer determines that these policies and procedures should be modified in the interest of justice.

**B. DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions shall apply to these Procedures for Electronic Filing:

- < The term “document” shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the Court.
- < The term “party” shall include counsel of record and a pro se litigant.
- < The term “ECF” refers to the court’s Electronic Case Filing system.
- < The term “ECF Web site” refers to the official Internet site of the Southern District of Alabama at <https://ecf-live.alsd.uscourts.gov>.
- < An “ECF User” is a person who is registered to use the ECF site.
- < “Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the court’s Internet-based System, to file that pleading or document in the court’s case file. Sending a document or pleading to the court via e-mail does not constitute “electronic filing.”
- < The “E-Mail Address of Record” is the internet e-mail address of each party to the case as maintained by the Clerk.
- < A “Notice of Electronic Filing” is generated automatically by the ECF system upon completion of an electronic filing. The Notice of Electronic Filing when e-mailed to the e-mail addresses of record in the case acts as the proof of service.
- < The term “PDF” refers to Portable Document Format. A PDF document allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. For

information on PDF, users may visit the websites of PDF vendors, such as <http://www.adobe.com/products/acrobat> or <http://www.fineprint.com>.

- < Procedures and instructions for using the Court's ECF system consistent with these policies may be found on the ECF Web site.
- < All hours stated shall be Central time.

## C. TECHNICAL SPECIFICATIONS

While the system requirements may be set forth more completely in a User's Manual or other Court publication, it is expected that the following hardware and software will be needed to electronically file, view and retrieve documents in the electronic filing system. Other specifications are also indicated for optimum performance.

- < a computer running a Windows or a Macintosh operating system
- < Ability to convert documents from a word processor such as WordPerfect or Word to portable document format (PDF)
- < CM/ECF has been tested and work correctly with Netscape browser version 4.7x and Internet Explorer 5.5 (128 bit encryption is strongly recommended)
- < High speed internet access
- < Access to a scanner if non-computerized documents need to be imaged
- < When scanning documents to be subsequently filed electronically, filing parties should make certain their **scanners are configured for 200 dpi and black and white** rather than color scanning. The filing party is responsible for the legibility of the scanned document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must conventionally file it with the Clerk's Office.

Because large documents may not upload properly to the System or download within a reasonable amount of time for users with a 56K modem, documents over two megabytes will be rejected by the System and must be filed conventionally. You may, however, file your document in 2 megabyte chunks as attachments.

## D. SYSTEM AVAILABILITY

The Court's system is designed to provide service 24 hours a day. The parties, however, are encouraged to file documents in advance of filing deadlines and during normal business hours. The Clerk's Office has established a Help Desk (1-800-000-MARIA) to respond to questions regarding the electronic filing system and the registration process and to receive voice mail messages. The Help Desk will be staffed business days from 8:00 a.m. to 5:00 p.m., and will be available at all other times to record voice mail messages. If a party is unable to file electronically and, as a result, may miss a filing deadline, the party must contact the Help Desk to inform the clerk of court of the difficulty. If a party misses a filing deadline due to an inability to file electronically, the party may submit the untimely filed document, accompanied by a declaration stating the reason(s) for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline. A model form is provided in the forms section (**Form C**).

## **E. SELECTION OF CASES**

Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents<sup>1</sup> submitted for filing in this district after March 17, 2003 in civil cases, no matter when a case was originally filed, shall be filed electronically or shall be scanned and uploaded to the System. Documents may also be submitted for filing to the Clerk's Office on removable media (i.e. 3.5" disk or CD) as .pdf ("Portable Document Format") files.

1. Parties proceeding pro se shall not file electronically.
2. The filing of social security cases shall be subject to the limitations imposed in paragraph III(C) of these procedures.
3. A case filed under seal will be maintained in paper form and will not be placed on the System unless the assigned judge orders the case unsealed.
4. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, however, the assigned judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using the System.

---

<sup>1</sup>The requirement that "all documents" be filed electronically includes briefs, transcripts of proceedings, and deposition transcripts used in support of motions or at trial.

5. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

## **F. REGISTRATION**

1. Each attorney filing electronically must complete and sign an Attorney Registration Form, attached to these procedures as Form A. The form is also available on the court's web site at [www.als.uscourts.gov](http://www.als.uscourts.gov).

The court will issue logins and passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in Local Rule 83.5(b)(2) and (c). The login assigned will correspond to the attorney's code for the Southern District of Alabama.

2. All signed original Attorney Registration Forms shall be mailed or delivered to the United States District Court, 113 St. Joseph Street, Mobile, Alabama 36602, or faxed to 251-694-4673.
3. To ensure that the Clerk's Office has correctly entered a registering attorney's email address in the System, the Clerk's Office will send the attorney an email message after assigning the attorney a password. The Clerk's Office will then either mail password information to the attorney by regular, first-class mail, or the attorney may arrange to pick up his/her password at the Clerk's Office.
4. Once registered, an attorney may withdraw from participating in the System by providing the Clerk's Office with notice of withdrawal. Such notice must be in writing, and mailed or delivered to United States Courts, 113 St. Joseph Street, Mobile, Alabama 36602. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in the System shall not be construed as authorization to file cases or documents conventionally.
5. After registering, attorneys may change their passwords. However, if an attorney comes to believe that the security of an existing password has been compromised



and that a threat to the System exists, the attorney must change his or her password immediately. In addition, the attorney shall immediately notify by telephone the Clerk's Office of the changed password and confirm the change by facsimile to prevent access to the System with the old password.

6. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties.
7. **A PACER login is required, in addition to, the user ID and password issued by the court for CM/ECF.** To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (<http://pacer.psc.uscourts.gov>).

#### **G. LOGIN and PASSWORD**

Each attorney admitted to practice in the Southern District of Alabama shall be entitled to one login and password from the District Court. The login and password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.
2. Once registered, the attorney shall be responsible for all documents filed with his or her password.
3. Registration for a login and password is governed by paragraph I(F).
4. An attorney admitted pro hac vice must register for a login and password in accordance with these Administrative Procedures.

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. FILING**

1. Electronically filed documents must meet the requirements of Fed. R. Civ. P. 10 (Form of Pleadings), and LR 5.1 (Files and Filings), as if they had been submitted on paper. Documents filed electronically are also subject to any page limitations set forth by Court order or by LR 7.1(b) (Page Limitation).

2. All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case shall be electronically filed on the System except as otherwise provided by these administrative procedures.

E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Civil Procedure until the filing party receives a System-generated "Notice of Electronic Filing" described in paragraph II(B)1 of these procedures.

3. Complaints.

(a) The Clerk's Office will accept complaints and civil cover sheets sent by e-mail, sent by United States mail, or delivered in person to the Clerk's Office. Registered ECF Users may also arrange to file their complaints in the ECF system as identified below.

(i) If using e-mail, the filing party must submit the complaint and cover sheet in .pdf format. Upon receipt of the e-mail, the Clerk's Office will contact the filing party for payment of the filing fee.<sup>2</sup> New cases will not be filed until the filing fee has been paid. The e-mail address for submitting complaints by email is [efile\\_newcases@alsd.uscourts.gov](mailto:efile_newcases@alsd.uscourts.gov).

(ii) A complaint sent through the United States mail or personally delivered to the Clerk's Office must be accompanied by the required filing fee. The Clerk's Office will scan the complaint and cover sheet and upload them to the System.

(iii) Registered ECF Users may file complaints in the ECF system after emailing, or personally filing, the civil cover sheet and listing of parties, and arranging payment of the \$150.00 filing fee.

**(b) New cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee.**

(c) Only new complaints, civil cover sheets, and summons forms may be sent to the e-mail addresses listed in subsection a. If an attorney sends other pleadings to

---

<sup>2</sup>Information on the use of credit cards to pay fees can be found on the court's Internet site at <http://www.alsd.uscourts.gov> under "General Information."

the e-mail addresses, the Clerk's Office will call the attorney and explain that the pleading must be electronically filed in the System.

(d) A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure 4.

4. Summonses.

(a) The Clerk's Office will receive summonses to be issued sent by e-mail, sent by United States mail, or delivered in person to the Clerk's Office.

(b) E-mail summonses may be sent to the "newcases" e-mail addresses listed in II(A)(3)(a)(i).

(c) The party requesting the summons must complete the top portion of the summons form and, if sending the summons by United States mail, also submit a stamped, self-addressed return envelope. Once a summons has been issued, the Clerk's Office will scan it, upload it to the System, then return the summons to the attorney or party.

(d) A party may not electronically serve a summons, but instead must perfect service according to the Federal Rule of Civil Procedure 4.

5. A document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned judge will order that document filed by a time certain.
6. If filing a document requires leave of the court, such as an amended complaint or a reply brief, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV(B). If the court grants the motion, the order will direct the attorney to file the document electronically with the court.
7. Attachments and exhibits larger than two megabytes may be filed electronically in separate two-megabyte segments or may be submitted, bound, in conventional format. The filing party must serve conventional copies on all other parties to the case.
8. The Clerk's Office shall not maintain a paper court file in any case begun after the effective date of these procedures except as otherwise provided in these procedures. The official court record shall be the electronic file maintained on the

court's servers. The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures.

9. The filing of discovery depositions, interrogatories, requests for production of documents, requests for admissions, and answers and responses thereto shall be governed by Local Rule 5.5, and the determination of whether such materials shall be filed electronically or manually will be made by the judicial officer after consulting with the parties.
10. An official transcriber or contract court reporter must file the certified transcript of those proceedings electronically on the System or submit to the Clerk's Office for uploading to the System a 3.5" disk, or CD containing the certified transcript of the proceedings in PDF format. A transcriber or court reporter will not receive payment until the transcriber or reporter has filed a certified transcript electronically or submitted it to the Clerk's Office on disk.

## **B. SERVICE.**

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System shall generate a "Notice of Electronic Filing" to the filing party, any other party who is a registered user and has requested electronic notice in that case,<sup>3</sup> and the assigned judge if he or she has elected to receive notice.
  - (a) If the recipient is a registered participant in the System, the System's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
  - (b) Service of the "Notice of Electronic Filing" on a party who is not a registered participant in the System may be accomplished by e-mail, subject to the additional service requirements of B(3) below.
2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form B.

---

<sup>3</sup>To determine whether another party is a registered user, the filer can select the System's "Utilities" category, and then click on "Mailing Information for a Case" on the pull-down menu. The filer then enters the case number and the System information will appear, stating whether or not the filer must mail a copy or if the System will electronically generate one.

3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party may include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.
4. The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.<sup>4</sup>
5. A filer who elects to bring a document to the Clerk’s Office for scanning and uploading to the System must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax.

## **C. SIGNATURES AND AFFIDAVITS**

1. A pleading or other document requiring an attorney’s signature shall be signed in the following manner, whether filed electronically or submitted on disk to the Clerk’s Office: “s/ (attorney name) .” The correct format for an attorney signature is as follows:

**s/ Judith Attorney**

Judith Attorney Bar Number: 12345

Attorney for (Plaintiff/Defendant)

ABC Law Firm

123 South Street

Mobile, Alabama 36602

Telephone: (251) 123-4567

Fax: (251) 123-4567

E-mail: judith\_attorney@law.com

2. Documents which must contain original signatures or which require either verification or an unsworn declaration under any rule or statute, shall be filed

---

<sup>4</sup>Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

electronically with originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, e.g., "s/Jane Doe", or the original may be scanned and electronically filed in the ECF system. The filing party or attorney shall retain the hardcopy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition of all appeals.

3. In the case of a stipulation or other document to be signed by two or more persons, the following procedure should be used:

Documents requiring signatures of more than one party shall be filed either by submitting a scanned document containing all necessary signatures; by representing the consent of the other parties on the document; or by filing the document identifying the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing. **Please see FORM F in the forms section of these procedures for a sample Notice of Endorsement.** The filing party or attorney shall retain the hardcopy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition of all appeals.

#### **D. FEES PAYABLE TO THE CLERK**

Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The Clerk's Office will document the receipt of fees on the docket with a text-only entry. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

#### **E. ORDERS**

1. The assigned judge or the Clerk's Office shall electronically file all signed orders. Any order signed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket conventionally.
2. When mailing paper copies of an electronically filed order to a party who is not a registered participant of the System, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.
3. The assigned judge or the Clerk's Office, if appropriate, may grant routine motions by a text-only entry upon the docket. In such cases, no PDF document will issue; the text-only entry shall constitute the court's only order on the matter. The System

will generate a “Notice of Electronic Filing” as described in II(B)(1) of these procedures.

4. **Submitting a Proposed Orders**

Proposed orders may be submitted electronically or in paper form. All proposed orders submitted electronically must be in PDF format and must be: (1) attached as an exhibit to a motion or stipulation; or (2) contained within the body of a stipulation; or (3) submitted separately and identified as “proposed.” If the judge approves the proposed order, it will be electronically signed and re-filed under a separate document number.

5. **Filing Proposed Documents**

If the document you wish to file requires leave of Court, such as an amended complaint or a document to be filed out of time, the proposed document shall be attached as an exhibit to the motion.

**F. TITLE OF DOCKET ENTRIES**

The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.<sup>5</sup>

**G. CORRECTING DOCKET ENTRIES**

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk’s Office. The System will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to refile the document.**
3. As soon as possible after an error is discovered, the filing party should contact the Clerk’s Office with the case number and document number for which the correction is being requested. If appropriate, the court will make an entry

---

<sup>5</sup>Readers may view the “CM/ECF Civil Menu for Attorneys” on the court’s web site, <http://www.als.uscourts.gov/cmecf/index.html>.

indicating that the document was filed in error. The filing party will be advised *if* the document needs to be refiled.

## **H. TECHNICAL FAILURES**

The Clerk's Office shall deem the Southern District of Alabama CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible.

1. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally or contact the Clerk's Office for permission to file the document provisionally via fax. If the filer provisionally files a document, the filer then must conventionally or electronically file the document within forty-eight hours after faxing it.
2. A filing party whose filing is made untimely as the result of a technical failure of the court's CM/ECF's site may seek appropriate relief from the court.

## **I. PRIVACY**

To address the privacy concerns created by Internet access, you should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. If sensitive information must be included, certain personal and identifying information, i.e., social security numbers, financial account numbers, dates of birth and the names of minor children, must be **redacted** from the pleading, whether it is filed traditionally or electronically. In addition, exercise caution when filing documents that contain the following:

1. Minors' names: Use the minors' initials;
2. Dates of birth: Use only the year;
3. Personal identifying numbers, such as driver's license number;
4. Social Security numbers: Use only the last four numbers;
5. Medical records, treatment and diagnosis;
6. Employment history;
7. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;



8. Proprietary or trade secret information; and
9. Other data as permitted by order of the court.

**Counsel is strongly urged to share this information with all clients** so that an informed decision about the inclusion, redaction and/or exclusion of certain materials may be made. It is the **sole responsibility of counsel and the parties** to ensure that redaction of personal identifiers is done. The clerk **will not** review each pleading for redaction. Counsel and the parties are cautioned that failure to redact personal identifiers and/or the inclusion of irrelevant personal information in a pleading or exhibit filed electronically with the court may subject them to the full disciplinary and remedial powers of court, including sanctions pursuant to Fed.R.Civ.P. 11.

**SPECIAL NOTICE TO SOCIAL SECURITY ATTORNEYS - It is your responsibility to provide the U.S. Attorneys' Office with the social security number of the plaintiff upon the filing of a new social security case. You may e-mail Brenda Mass at [brenda.mass@usdoj.gov](mailto:brenda.mass@usdoj.gov) OR you may call Brenda at 251/415-7142 with this information.**

### **III. CONVENTIONAL FILING OF DOCUMENTS**

The following procedures govern documents filed conventionally. The court, upon application, may also authorize conventional filing of other documents otherwise subject to these procedures.

#### **A. DOCUMENTS TO BE FILED UNDER SEAL**

A party may, but is not required, to file electronically a motion or application to file documents under seal. A motion or application not filed electronically shall be presented in conventional format to the chambers of the assigned magistrate or district judge along with a proposed order. If the motion or application is granted, the assigned judge, or designee, will enter electronically the order authorizing the filing of the documents under seal. The filing party shall then deliver the documents to the Clerk's Office for conventional filing under seal.

#### **B. PRO SE FILERS**

Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed or which require either verification or an unsworn declaration under any rule or statute. The Clerk's Office will scan these original documents into an electronic file in the System, but will also maintain a paper file.

#### **C. SOCIAL SECURITY CASES**

Absent a showing of good cause, all documents, notices, and orders in social security reviews filed in the District Court after the System is implemented shall be filed and noticed electronically, except as noted below.

1. The complaint and other documents typically submitted at the time a social security case is filed initially will be filed electronically and served according to II(A)(3) of these procedures.
2. Social security transcripts will be conventionally filed and served since scanning that set of documents and filing or retrieving them electronically is impractical at this time. Because Social Security transcripts will not be scanned or otherwise placed into the System, the Clerk's Office will docket a text-only event stating that the transcript is available in paper format at the Clerk's Office.
3. All other documents in the case, including briefs, will be filed and served electronically unless the court otherwise orders.
4. To address the privacy issues inherent in a social security review, Internet access to the individual documents will be limited to counsel and court staff. Docket sheets, however, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

**D. SERVICE OF CONVENTIONAL OR 3.5 INCH FLOPPY/CD FILINGS**

Pleadings or other documents which are filed conventionally, on 3.5 inch floppy disk, or CD, rather than electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Civil Procedure except as otherwise provided by order of the Court.

**E. RETENTION OF ORIGINALS OF DOCUMENTS REQUIRING SCANNING**

Originals of documents requiring scanning to be filed electronically must be retained by the filing party and made available, upon request, to the Court and other parties for a period of two years following the expiration of all time periods for appeals.

**IV. EXHIBITS.**

**A. EVIDENCE NOT IN SUPPORT OF A MOTION**

This section applies to exhibits other than those submitted in support of a motion, *e.g.*, an attachment to a complaint. Exhibits submitted in support of a motion are governed by IV(B) of these procedures.

1. A party may conventionally submit exhibits which are not available in electronic form or which are too lengthy to electronically image, *i.e.*, “scan.” Lengthy documents submitted to the Clerk’s Office in paper form should be bound with two or three-hole punches. The Clerk’s Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry.
2. If possible, however, a filing party should electronically image, *i.e.*, “scan,” a paper exhibit that is less than two megabytes and submit the exhibit as a PDF file. But because PDF files containing scanned documents take up considerably more space on the System than PDF files containing electronically generated documents, filing parties may submit PDF files containing scanned documents of more than two megabytes only if they are filed in separate two-megabyte segments.
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court.
5. Exhibits submitted conventionally shall be served on other parties as if not subject to these procedures.

## **B. EVIDENCE IN SUPPORT OF A MOTION**

In general, evidence in support of motion should be not be filed conventionally.

1. A party electronically submitting evidentiary materials to the Clerk’s Office in support of a motion shall also file electronically a separate index listing each item of evidence then being filed and identifying the motion to which it relates. A filing party may instead submit the index on paper, which the Clerk’s Office will scan and upload to the System, or may submit the index on disk.
2. If possible, however, a filing party should electronically image, *i.e.*, “scan,” a paper exhibit that is less than two megabytes and submit the exhibit as a PDF file. But because PDF files containing scanned documents take up considerably more

space on the System than PDF files containing electronically generated documents, filing parties may submit PDF files containing scanned documents of more than two megabytes only if they are filed in separate two-megabyte segments.

3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court.
5. A party submitting evidentiary materials in conventional format shall file also file in conventional format an index of evidence listing each item of evidence then being filed and identifying the motion to which it relates. Lengthy documents submitted to the Clerk's Office in paper form should be bound with two or three-hole punches.
6. Copies of conventionally filed supporting materials shall be served on other parties as if not subject to electronic filing procedures.

#### **C. TRIAL EXHIBITS**

Exhibits presented for trials and other proceedings will not be filed electronically. Such documents will not be placed into the electronic filing system unless and until they are admitted as part of the official public record. The party submitting the exhibits may be required to resubmit the documents in electronic format once they are admitted into the public record.

### **V. PUBLIC ACCESS TO THE SYSTEM DOCKET**

#### **A. PUBLIC ACCESS AT THE COURT**

Electronic access to the electronic docket and documents filed in the System is available for viewing to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.

## **B. INTERNET ACCESS**

Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (“PACER”) system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.<sup>6</sup>

## **C. CONVENTIONAL COPIES AND CERTIFIED COPIES**

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk’s Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

---

<sup>6</sup>According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary CM/ECF users will be charged a fee of seven cents per page starting on July 1, 2002, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document has been approved.

The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA

**ELECTRONIC CASE FILING SYSTEM**  
**Attorney/Participant Registration Form**

**PLEASE TYPE**

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF). Registered attorneys and other participants will have privileges to electronically submit documents and to view and retrieve electronic docket sheets and documents as available for cases assigned to the CM/ECF system.

The following information is required for registration:

First/Middle/Last Name: \_\_\_\_\_

Attorney Bar # and State: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm Address: \_\_\_\_\_  
\_\_\_\_\_

Voice Phone Number: \_\_\_\_\_

FAX Phone Number: \_\_\_\_\_

Internet E-Mail Address: \_\_\_\_\_

(Attorney's email for electronic service)

Secondary E-Mail Address: \_\_\_\_\_

(Central Repository, Secretary, etc.)

The information contained in this box will be maintained confidentially, and is necessary for security/confirmation purposes:

☐ I already have an ECF login that I use at another court, which is \_\_\_\_\_. Please assign the same login.

**By submitting this registration form, the undersigned agrees to abide by the following rules:**

1. This system is for use only in cases designated by the *United States District Court for the Southern District of Alabama*. The system may be used to file and view electronic documents, docket sheets, and notices. Please contact the court at 251-690-2371, or email [efile\\_information@alsd.uscourts.gov](mailto:efile_information@alsd.uscourts.gov) to schedule training.

2. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion and other paper shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney's/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The Court will immediately delete the password from the electronic filing system and issue a new password.
3. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. Registration as a Filing User constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D); (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Notice by electronic means is complete as set forth in this court's Standing Order No. 29, which is available on our website at [www.als.uscourts.gov](http://www.als.uscourts.gov).
4. A user accesses court information via the court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. Although the court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. **A PACER login is required, in addition to, the login and password issued by the court.** To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (<http://pacer.psc.uscourts.gov>).
5. By this registration, the undersigned agrees to abide by all of the rules and regulations in Standing Order No. 29, *In Re: Procedural Rules for Electronic Case Filing* currently in effect and any changes or additions that may be made to such Administrative Procedures in the future.

Please return this form to:           United States District Court, Southern District of Alabama  
Attn: ECF Attorney Registration  
113 St. Joseph Street  
Mobile, AL 36602

Or FAX to:                               United States District Court, Southern District of Alabama  
(251)694-4673

---

Date

---

Attorney/Participant Signature

**Your login and password will be sent to you by the Office of the Clerk by regular, first-class mail.** If you prefer to have your login/password sent to an address other than the one listed on page one of this form, please write the address in the space provided below:

Firm Address: \_\_\_\_\_

---

**FORM B**

**S A M P L E F O R M A T**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

Plaintiff,

vs

Defendant.

)  
)  
)  
)  
)  
)  
)

Case No.

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_ (Date) \_\_\_\_, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: \_\_\_\_\_, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: \_\_\_\_\_.

Respectfully submitted,

s/ [Name of Password Registrant]

Name of Password Registrant

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

[attorney bar number, if applicable]



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

	)	
	)	
Plaintiff,	)	Case No.
	)	
vs	)	
	)	
Defendant.	)	

**DECLARATION OF TECHNICAL DIFFICULTIES**

Please take notice that [Plaintiff/Defendant, Name of Party] was unable to file the attached [Title of Document] in a timely manner due to technical difficulties. The deadline for filing the [Title of Document] was [Filing Deadline Date]. The reason(s) that I was unable to file the [Title of Document] in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

s/ [Name of Password Registrant]

Name of Password Registrant

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

[attorney bar number, if applicable]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

Plaintiff,	)	
	)	
	)	Case No.
	)	
vs	)	
	)	
	)	
Defendant.	)	

**NOTICE OF MANUAL FILING**

Please take notice that [Plaintiff/Defendant, Name of Party] has manually filed the following document or thing [Title of Document or Thing]. This document has not been filed electronically because the document or thing cannot be converted to an electronic format, the electronic file size of the document exceeds 2 megabytes, the document or thing is filed under seal, or [Plaintiff/Defendant] is excused from filing this document or thing by court order. The document or thing has been manually served on all parties.

Respectfully submitted,

s/ [Name of Password Registrant]

Name of Password Registrant

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

[attorney bar number, if applicable]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

	)	
	)	
Plaintiff(s),	)	Case No.
	)	
vs	)	
	)	
	)	
Defendant(s).	)	

**NOTICE REGARDING EXHIBIT ATTACHMENT**

Exhibit \_\_\_\_\_ which is an attachment to \_\_\_\_\_  
is in paper form only and is being maintained in the case file in the Clerk's office.

Respectfully submitted,

s/ [Name of Password Registrant]  
Name of Password Registrant  
Address  
City, State, Zip Code  
Phone: (xxx) xxx-xxxx  
Fax: (xxx) xxx-xxxx  
E-mail: xxx@xxx.xxx  
[attorney bar number, if applicable]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

	)	
	)	
Plaintiff(s),	)	
	)	
vs	)	Case No.
	)	
	)	
Defendant(s).	)	

**NOTICE OF ENDORSEMENT**

Pursuant to the ECF Procedures Manual, \_\_\_\_\_ (Pla or Dft)

hereby certifies that my original signature was placed on the following document which was filed electronically filed

on \_\_\_\_\_:

**G** Joint Proposed Scheduling Order

**G** Stipulation of Dismissal

**G** Joint Motion for

**G** Other:

Respectfully submitted,

s/ [Name of Password Registrant]

Name of Password Registrant

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

[attorney bar number, if applicable]

## APPENDIX A

### Setting Up E-Mail Notification

Users can receive e-mail notification of all electronic filings in cases they are interested in by setting the automatic e-mail notification in their user accounts.

! Access the "Live" system. (Please note that the "Live" electronic filing system and the "Training Area" are different systems. Setting your e-mail notification in one system does not set it in the other.)

! Click on "*Utilities*"

! Click on "*Maintain Your Account*"

! Click on "*Email Information*"

! Enter your correct email address in the "*Primary e-mail address*" box. You may include more than one e-mail address (i.e. work, home).

! Under "*Send the notices specified below*", there will be a **U** next to "*to my primary e-mail address.*" Click on the box "*to these additional addresses*" to identify any additional email addresses of others you would like to receive electronic notice (i.e. an associate, para-legal, secretary).

! You will find a **U** next to "*Send notices in cases in which I am involved*". Click on the box "*Send notices in these additional cases*" to receive notification of activity for other cases. In the box to the right, enter the case numbers each on a separate line. Please use the format YY-#### (ex. 97-1234). You do not have to be a party in the cases entered.

! Select the type of notice you would like to receive. Notice "*Send a notice for each filing*" is automatically selected. This selection sends notices to you immediately upon filing. Click on "*Send a Daily Summary Report*" to have a summary of the notices sent to you at the end of the day (usually at midnight). If you seek electronic notice in only a handful of cases, this selection is the preferred method.

! Under Format notices, select the format of the notice most appropriate to your e-mail system. Select "*html format for Netscape or ISP e-mail service*" or "*text format for cc:Mail, GroupWise, other e-mail service.*" Some experimentation may be required.

! Click on "*Return to Account Screen.*" From the Account Screen, select "*Submit.*" You will receive a confirmation screen listing the cases and e-mail options you have selected.